

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, DECEMBER 13, 2005**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, December 13, 2005 in the City Hall Kiva at 5:08 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Ron McCullagh
Council Members Betty Drake, Wayne Ecton, W.J. "Jim" Lane,
Robert Littlefield, and Kevin Osterman

Also Present: City Manager Jan Dolan
City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE - Councilmember Drake

INVOCATION - Deacon Clem Czapinski, Community of the Blessed Sacrament Catholic Church

PRESENTATIONS/INFORMATION UPDATES - None

PUBLIC COMMENT

Henry Becker, 9643 E Vereda Solana, 85255, suggested the Council look at their own ethics before making judgments on cabarets.

CONSENT AGENDA ITEMS 1 - 19A

ITEMS 5 AND 12 WERE REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION.

1. **104th St and Bell Final Plat (Windgate Ranch)**
Request: Consider Final Plat approval for Phase I Plat B consisting of 91 lots on approximately 64.21 acres located within a Master Planned Community near Thompson Peak Parkway and Bell Road.
Location: E. Bell Road and N. 104th Street
Reference: 9-PP-2004#1B
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, frgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

2. Sera Brisa Final Plat (Summers Property)

Request: Consider Final Plat approval for a 51-lot single-family residential subdivision in Environmentally Sensitive Lands (R1-10 ESL) with amended development standards on a 25.7+/- acre parcel.

Location: 18001 N. 94th Street

Reference: 2-PP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, frgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

3. Pinnacle Peak Place Abandonment

Request: Consider abandonment of the existing 110-foot-wide right-of-way of Desert Highlands Drive from Pima Road east approximately 800 feet to allow realignment of Desert Highlands Drive.

Location: Northeast corner of Desert Highlands Drive and Pima Road

Reference: 7-AB-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, frgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

4. Pinnacle Peak Place Final Plat

Requests:

1. Consider Final Plat approval for 80 residential lots on 124+/- acres.
2. Consider approval of an Environmentally Sensitive Lands Ordinance (ESLO) Hardship Exemption from 6.1071 Design Guidelines for subdivision walls and 15-foot setback for side yard walls.

Location: East side of Pima Road between Happy Valley and Jomax roads

Reference: 21-PP-2004 and 2-HE-2004

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, frgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

5. Scottsdale Healthcare Rezoning and Conditional Use Permit

REMOVED FOR SEPARATE DISCUSSION. SEE PAGE 7.

6. Contract Modification for the Scottsdale Bead Supply Project

Request: Adopt Resolution No. 6793 authorizing a modification to Development Agreement No. 2001-138-COS. The modification proposes an extension to the construction completion schedule from April 2006 to October 2006.

Location: Northeast corner of Marshall Way and Goldwater Boulevard in Downtown Scottsdale

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, frgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

7. Civic Center Mall West Restroom Renovation Architectural Services Design Contract

Request: Authorize Architectural Services Contract No. 2005-170-COS with Abell & Associates Architects, Ltd., in the amount of \$122,530 for the design of the Civic Center Mall west restroom renovation.

Related Policies, References: The adopted FY 2005/2006 CIP Budget includes \$467,000 for the planning, design and construction of the Civic Center Mall restroom renovations.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

8. Construction Bid Award for Thompson Peak Parkway (Bell Road to Union Hills Drive)

Request:

1. Adopt Resolution No. 6792, approving Cost Participation Agreement No. 2005-146-COS with Toll Brothers Arizona Construction Company for grading and drainage for Thompson Peak Parkway from Bell Road to Union Hills Drive.
2. Confirm award of Phase I construction contract to Achen-Gardner Engineering in the amount of \$7,454,749.

Related Policies, References: Toll Brothers Development Agreement, No. 2004-026-COS, and Amendment No. 1 to Development Agreement No. 2004-026-COS

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

9. Acquisition of Land for Construction of Regulatory Compliance Improvements at the Central Arizona Project Water Treatment Plant

Request: Adopt Resolution No. 6800 authorizing the City Manager or designee to submit bids and pay required deposits and other amounts for 6.9 acres of land being sold at public auction by the Arizona State Land Department for the construction of regulatory compliance improvements at the Central Arizona Project Water Treatment Plant (CAP WTP), and declaring an emergency.

Related Policies, References:

- Council approved the Water Resources Master Plan on October 15, 2001.
- Council approved Engineering Services Contract No. 2001-167-COS, for conceptual site plan of CAP WTP expansion on November 26, 2001.
- Council approved Engineering Services Contract No. 2003-110-COS with Malcolm Pirnie, Inc. for the design of regulatory compliance improvements at the CAP WTP on July 1, 2003.
- Council approved Construction Bid Award 04PB052 to Archer Western Contractors for construction of regulatory compliance improvements at the CAP WTP on June 28, 2005.
- Scottsdale City Charter Section 3 (A) describes City rights to acquire property.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

10. Engineering Services Contract for the ASU Scottsdale Transit Passenger Facility

Request: Authorize Engineering Services Contract No. 2005-184-COS with Parsons, Brinckerhoff, Quade & Douglas, Inc., in the amount of \$152,527 for required federal planning activities associated with the ASU Scottsdale Transit Passenger Facility.

Related Policies, References:

- Council approved Lease Agreement No. 2004-119-COS with the ASU Foundation on July 6, 2004. This established a ground lease for development of the ASU-Scottsdale Center for New Technology and Innovation.
- Council approved a request to rezone the property to PC (Planned Community) District on June 21, 2005 (Case # 26-ZN-2004).

- The adopted FY 2006-2010 CIP includes \$3.45 million for the planning, design and construction of the ASU/Scottsdale Transit Passenger Facility. Federal funds have been identified for this project totaling \$2.64 million.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov

11. Second Amendment to Smitty's/McDowell Village Redevelopment Agreement, First Amendment to CC&Rs and First Amendment to Purchase Option

Approve Resolution No. 6729 which authorizes the Mayor to sign Second Amendment to Redevelopment Agreement, Contract No. 2003-160-COS-A2, between the City and MVSA Scottsdale, L.L.C. and Granite Reef McDowell N/NWC Dev Investors, LLC (Developers), as well the First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements and First Amendment to Purchase Option.

Staff Contact(s): Dave Roderique, Economic Vitality General Manager. 480-312-7601, droderique@scottsdaleaz.gov

12. Desert Discovery Center Concept and Feasibility Study Update

REMOVED FOR SEPARATE DISCUSSION. SEE PAGE 9.

13. Amendment to the Scottsdale City Code Relating to Authority of the Scottsdale City Court to Order Abatements

Request: Adopt Ordinance No. 3654 Amending Section 18-60 of, and Adding Section 18-61 to, the Scottsdale Revised Code, confirming the authority of the Scottsdale City Court to order abatements.

Related Policies, References: Ordinance No. 3448

Staff Contact(s): Deborah Robberson, City Attorney 480-312-2405, drobberson@scottsdaleaz.gov;

Raun Keagy, Neighborhood Services Director, 480-312-2373, rkeagy@scottsdaleaz.gov

14. Amended Gila River Indian Community Water Rights Settlement Agreement

Requests:

1. Adopt Resolution No. 6789 declaring the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement ("Settlement Agreement") a public record.
2. Adopt Resolution No. 6778 approving and authorizing the Mayor to execute: (a) the Amended and Restated Gila River Indian Community Water Rights Settlement Agreement (No. 2003-049-COS-A1), an agreement with the Gila River Indian Community and various state and federal parties; (b) Lease Agreement for CAP water with the Gila River Indian Community and the United States, as Trustee for the for the Gila River Indian Community (No. 2003-050-COS-A1); and (3) certain other related documents attached as exhibits to the Settlement Agreement.

The Settlement Agreement settles the water rights claims of the Gila River Indian Community. The Lease Agreement provides to the City a 100-year assured water supply of 12,000 acre feet of the Gila River Indian Community's CAP Indian Priority Water.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov;

David Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

15. Agreements For Joint Legal Representation Related to *CAWCD v. U.S., et al.* and Settlement of the Gila River Indian Community Water Rights Claims

Request: Adopt Resolution No. 6779 authorizing the Mayor to execute (a) Tenth Intergovernmental Agreement No. 2003-108-COS-A2, an agreement among the cities of Scottsdale, Chandler, Glendale, Goodyear, Mesa, and Peoria; and (b) Contract for Legal Services No. 2003-109-COS-A2 among the aforementioned cities and the law firm of Engelman Berger, P.C., both relating to joint legal representation in settlement activities for *CAWCD v. U.S., et al.* litigation and settlement of the Gila River Indian Community water rights claims.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

16. Amendment to the Scottsdale City Code Relating to Secondhand Dealers, Pawnbrokers and Auction Houses

Request: Adopt Ordinance No. 3657 amending Section 16-312 of the Scottsdale Revised Code, to exempt DVDs, CDs, videos, tapes, computer and video games traded in for store credit from the provisions of Article IX, Secondhand Dealers, Pawnbrokers and Auction Houses.

Related Policies, References: Ordinance 3549

Staff Contact(s): Deborah Robberson, City Attorney 480-312-2405, drobberson@scottsdaleaz.gov; Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov

17. Legal Services Contracts for Risk Management Issues

Request: Adopt Resolution No. 6799 authorizing the Mayor to execute legal services contracts with the following firms:

- Copple Boehm & Murphy PC (Contract No. 2005-190-COS)
- Udall Shumway & Lyons PLC (Contract No. 2005-191-COS)
- Schneider & Onofry PC (Contract No. 2005-192-COS)
- Kutak Rock, LLP (Contract No. 2005-193-COS)
- Holloway, Odegard, Sweeny & Evans, P.C. (Contract No. 2005-194-COS)
- Jones, Skelton and Hochuli (Contract No. 2005-195-COS)
- Klein Lundmark Barberich & LaMont PC (Contract No. 2005-196-COS)
- Grasso Law Firm PC (Contract No. 2005-197-COS)

These contracts do not authorize any immediate expenditures, but serve to provide the City with a list of retained law firms the City can use, should the City decide to send any future cases to outside counsel for representation. Having the contracts in place before the determination to send a case to outside counsel is made allows the Risk Management Division, in conjunction with the City Attorney's Office, to promptly assign the defense of selected cases to the outside counsel on the list with the most appropriate level of expertise and experience in the areas needed.

Related Policies, References: Section 2-174 of the Scottsdale Revised Code.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov

18. Minor City Code Amendment Relating to Scheduling of Regular Council Meetings

Request: Adopt Ordinance No. 3660, amending Section 2-17 of the Scottsdale Revised Code to clarify the City's ability to reschedule meetings to accommodate holidays, the summer schedule, and other needs that arise from time to time.

Related Policies, References: Article 2, Section 12, of the Scottsdale City Charter and Section 2-17 of the Scottsdale Revised Code.

Staff Contact(s): Carolyn Jagger, City Clerk, 480-312-2411, cjagger@scottsdaleaz.gov; Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov

19. Water and Sewer Credit Agreement for Whisper Rock

Request: Adopt Resolution No. 6754, authorizing the Mayor to execute Agreement No. 2005-160-COS with Whisper Rock, LLC for reimbursement of costs to install water and sewer system improvements to the Whisper Rock community.

Related Policies, References:

Water and Sewer Development Fee Ordinance (City Code Sec. 49-74).

To date, the City Council has approved six agreements with developers installing water and/or sewer system improvements. The following is a list of those agreements and the date Council approved them:

- McDowell Mountain Ranch May 1997
- Grayhawk June 1997
- DC Ranch, Phase 1 (water) June 1999
- DC Ranch, Phase 1 (sewer) January 2000
- Bellasera (water) March 2000
- Cresta Norte (water) January 2001

Staff Contact(s): David M. Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdaleaz.gov

19A. Settlement of Claims filed by Matthew Lewis, the Family of Cody Morrison, and Nicholas Rosin

Request: Adopt Resolution No. 6809, authorizing the Mayor to execute Settlement Agreements Nos. 2005-200-COS, 2005-201-COS and 2005-202-COS to fully resolve claims filed by Matthew Lewis, the family of Cody Morrison, and Nicholas Rosin, and authorizing a budget transfer from the Risk Management/Lost Trust Fund Reserve Appropriation to the Risk Management Division Liability Cost Center in the total amount of \$1,500,000 for payment of the settlements.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Michael Mason, Risk Management Claims Manager, 480-312-7040, mmason@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN LANE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 19A, WITH THE EXCEPTIONS OF ITEMS 5 AND 12. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 5 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION:

5. Scottsdale Healthcare Rezoning and Conditional Use Permit

Requests:

1. Rezone a 2.9+/- acre parcel from Planned Community District with Central Business District comparable uses (C-2 PCD) to Planned Community District with Commercial Office comparable uses (C-O PCD) with amended development standards on a 10.5+/- acre parcel located at the northeast corner of 73rd Street and Thompson Peak Parkway.
2. Amend the previously approved Conditional Use Permit on 14.5 +/- acres located at the northeast corner of 73rd Street and Thompson Peak Parkway.
3. Adopt Ordinance No. 3652 affirming the rezoning and amended development standards.
4. Adopt Resolution No. 6794 affirming the amendment to the Conditional Use Permit.

Location: 20255 N. Scottsdale Road

Reference: 46-ZN-1990#16 and 21-UP-1995#3

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, frgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Staff reviewed cases 46-ZN-1990#16 and 21-UP-1995#3.

The applicant provided a presentation as outlined below:

- History of the site since 1990
 - Use permit, 48-foot height, and setbacks approved in 1995
- The applicant has agreed to all the requests made by neighbors in a letter to the City Council dated December 12, 2005, except in regard to the number of beds.
- The overall intensity of this site is below what was originally planned.

Mayor Manross opened public testimony:

Dean Shepard, Chamber of Commerce, 7343 Scottsdale Mall, 85251, encouraged approval of the request. Mr. Shepard said the hospital will be an economic engine for the northern area and will enhance the quality of life.

Jon Ford, 7554 E Tailspin Ln, 85255, of Grayhawk, said the hospital isn't a good fit and asked the Council to protect the health of the community.

Steven Rosenbaum, 7440 E Phantom Way, 85255, of Grayhawk, said they were originally told that the site would be a medical office campus, but plans continued to expand over the years. Mr. Rosenbaum was concerned that the character and lifestyle of the neighborhood would be affected by the noise, building height, cut-through traffic, and traffic congestion. He urged Council to vote against the expansion to 184 beds.

Jim Swedback, 7488 E Phantom Way, 85255, Grayhawk, expressed concern about helicopter and ambulance noise.

Paul Given, Vice President of the Board for the HOA of Grayhawk, 7437 E Phantom Way, 85255, supported the zoning, but not the extra 64 beds. He suggested that the applicant return for a revised use permit when there was a demand for the full 184 beds.

Dave Froehlich, 7575 E Nestling Way, 85255, said this site is fine for a boutique hospital, but did not think a large hospital should be built in a residential area.

Richard Pavlik, 7429 E Phantom Way, 85255, requested that Council revoke the use permit based upon the original applicant's representations for the site. He also requested a noise study.

Tim Bray, Board of Directors of Scottsdale Healthcare, 1181 E Turnberry Rd, 85255, urged Council to support the request. Mr. Bray said that Scottsdale Healthcare has set standards of excellence in their facilities, and premier health care is needed in the community.

Kim Fricke, 7562 E Tailspin Ln, 85255, of Grayhawk, said there have been dishonest and inaccurate public reports, and most people did not understand the expansion of the project. She said Council's job is to protect neighborhoods, and the hospital will negatively impact the neighborhood. She believes the needs of the hospital have outgrown the site.

Wendy Lyons, Scottsdale Healthcare, 10625 E Turquoise Av, 85258, said Scottsdale Healthcare was doing their best to meet the healthcare needs of the community, and have been forthright in their communications.

Harold Petty, architect for Scottsdale Healthcare, 2100 E End Av, Nashville, TN, 37203, said the applicant has been sensitive to the community in terms of site planning.

Cliff Tait, President of Grayhawk Homeowners Association, 8302 E Buteo Dr, 85255, said the HOA has met with Scottsdale Healthcare to try to work out issues, and only last week received a letter agreeing to a few requests. The hospital will have a major impact on the community, and the HOA is opposed to amending the use permit to allow 184 beds.

Steve Steinberg, 33625 N 78th St, 85262, supports the project because the quality of the facility will be a good match for the area. Mr. Steinberg believes the hospital will be a good amenity for the community.

Jean Knoedler, Scottsdale Healthcare, 12659 N 146th Way, 85259, said this will be the first hospital north of Loop 101. Ms. Knoedler said the facility will be elegant and intimate.

Rob Cowie, 7501 E Phantom Way, 85255, of Grayhawk, said discussions and negotiations were made with Scottsdale with the impression being given by the applicant that the hospital would have 120 beds. He said he now feels tricked and opposes the amended use permit.

Jeff Dreyer, 8173 E Wingshadow Rd, 85255, of Grayhawk, said noise is a concern and will affect the neighborhood's quality of life. He opposes the increase in the number of beds.

Mayor Manross closed public testimony. Twenty-seven additional comment cards were received from citizens not wishing to speak: 17 in favor, and 10 in opposition of Item 5.

Council discussion:

- Council said they would have found it helpful to have a traffic data comparison between the originally planned hotel use and what is expected for the hospital, especially since traffic is a major issue with the neighborhood. A traffic analyst estimated 4,000 fewer daily trips with a hospital on this site.

- There was agreement that quality health care is vital for the community and the Council must consider the needs of the City as a whole.
- The applicant agreed the hospital would never exceed 184 beds.
- In regard to mistrust of the applicant by the neighborhood, Council noted that information appeared to be clear on the application to the City and on photos presented at the community meeting in July.
- There was general agreement that the hospital is an asset and the applicant has met all requirements for the zoning, the use permit, and the development standards.
- The applicant has done everything possible to mitigate any issues.

MOTION AND VOTE – ITEM 5

COUNCILMAN LANE MOVED TO APPROVE ITEM 5, 46-ZN-1990#16 AND 21-UP-1995#3, WITH AN ADDITIONAL STIPULATION THAT THERE WOULD BE A MAXIMUM OF 184 BEDS. VICE MAYOR MCCULLAGH SECONDED THE MOTION.

COUNCILMAN LANE AMENDED THE MOTION TO INCLUDE SIX OTHER STIPULATIONS AGREED UPON BY THE NEIGHBORS AND READ INTO THE RECORD BY STAFF. VICE MAYOR MCCULLAGH SECONDED THE AMENDMENT.

THE MOTION AS AMENDED CARRIED 7-0.

ITEM 12 WAS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE ACTION:

12. Desert Discovery Center Concept and Feasibility Study Update

Request: Consider approval of \$14,500 from bed tax research funds for proposed scope refinements to the current update of the “1999 Desert Discovery Center Feasibility Study” as recommended unanimously by the Tourism Development Commission at their November 15, 2005 meeting.

Related Policies, References:

- Ordinance No. 3577 (revised) provides for Tourism Research as one of the uses for bed tax expenditures.
- City Council previously approved \$109,000 from the bed tax for the original Master Plan Concept study, which was completed in 1999.
- July 5, 2005 authorization of \$38,000 from the bed tax for a review and update of the 1999 Desert Discovery Feasibility Study.

Staff Contact(s): Dave Roderique, General Manager-Economic Vitality, 480-312-7601, droderique@scottsdaleaz.gov

Council discussion:

- Vice Mayor McCullagh, while believing this a worthy expenditure, strongly feels the funding should come from the McDowell Sonoran Preserve fund rather than bed tax funds.
- There was agreement among the remaining Council members that the expenditure is appropriate, and was not an unusual request by the Tourism Development Commission.

MOTION AND VOTE – ITEM 12

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 12, THE USE OF \$14,500 FROM BED TAX RESEARCH FUNDS. COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 6-1, WITH VICE MAYOR MCCULLAGH DISSENTING.

REGULAR AGENDA

ITEM 20

20. ASU Scottsdale Center for New Technology and Innovation

Request: Adopt Resolution No. 6801 affirming the site plan, floor plans, elevations, Skysong architectural element, landscape plan, and lighting plan for phases I and II of the ASU Scottsdale Center for New Technology and Innovation.

The applicant requested approval of:

- The site plan, floor plans, elevations, landscape plan, and lighting plan for Phases I and II of the ASU Scottsdale Center for New Technology and Innovation.
- "Skysong," an architecturally integral shade structure extending up to 125 feet in height with fabric mesh ranging in heights up to approximately 110 feet and structural support poles up to 125 feet in height.

Location: Southeast corner of E. McDowell Road and N. Scottsdale Road

Reference: 88-DR-2005

Staff Contact(s): Ed Gawf, Assistant City Manager, 480-312-4510, egawf@scottsdaleaz.gov;

Kroy S. Ekblaw, Executive Assistant, 480-312-7064, kekblaw@scottsdaleaz.gov

Staff provided a presentation as outlined below:

- Description and aerial views of property
- Ad-Hoc Citizens Advisory Working Group Guiding Principles
- Uses allowed in Planned Community (PC) Zoning
- PC District Development Standards
- Conditions of approval
 - LEED Certified Standards
- Development Framework Plan
- Phases 1 and 2 (Phase 1 completion about April 2007)
- Applicant's Request
 - Construction of two 157,000 square-foot buildings (Phases 1 and 2)
 - Placement of Skysong structure
 - Construction of Plaza
 - Temporary parking facilities
 - Infrastructure for entire project
- DRB approval and recommendations of November 17, 2005
- Planning Commission approval and recommendations of November 30, 2005
- Staff Recommendation of approval for Phase 1 and 2, and of Skysong up to 125 feet

Partners of the ASU Foundation and the development team provided information on:

- Changes made to buildings, façade, colors, and shading at the recommendation of the Development Review Board
- Landscape features
 - Pedestrian spaces
 - Harvesting of rainwater and air conditioner condensation
 - Living wall
 - Water table
 - Pavers

Mayor Manross opened public testimony:

A statement from **Steven Steinberg**, 33625 N 78th St, 85262, was read. As a member of the Ad Hoc Advisory Committee and the Planning Commission, Mr. Steinberg supported the project and urged Council to move ahead swiftly.

A statement was also read from **Jeff Schwartz**, 8701 E San Felipe Dr, 85258, in support of the applicant.

Patty Badenoch, 5027 N 71st Pl, 85250, expressed appreciation of the landscape renderings, but feels the buildings are mediocre. She believes it is irresponsible for the applicant to engage public input after the project has gone through schematic design in regard to environmental designs (LEEDS).

John Anderson, 7526 E Beatrice, said these drawings are much better than those shown previously, and feels it is now time to get started on the project.

Terrence Hanson, 4129 N 78th Way, 85251, said he is glad the architecture board listened to the recommendations, and believes the Skysong structure is exciting.

Brett Sassenberg, 720 N 72nd Pl, said the architect team responded well. He likes Skysong and the plazas, and believes Skysong will be a great identifier for Scottsdale.

Dean Shepard, Scottsdale Chamber, 7343 Scottsdale Mall, 85251, urged Council to approve the project because it will be an amenity and will help define Arizona in the global marketplace.

Lyle Wurtz, 6510 E Palm Ln, 85257, dislikes the 120-foot tower. He believes the whole project is a taxpayer scam and nothing but a subsidized office building.

Darlene Petersen, 7327 E Wilshire Dr, 85257, said the first drawings of buildings were boring but were enhanced now by the landscaping. She expressed concern about the Skysong structure lasting through a wind storm.

Kevin O'Neill, 7953 E Via Sierrro, 85258, read a card from **Will Bruder**, 3707 N Marshall Way, 85251 saying "...significant improvement in design, colors are excellent, moving of Skysong is good, landscaping excellent..." **Mr. O'Neill** said he is 100% supportive, and explained that he did not vote for approval on the Development Review Board due to a specific concern about not being able to continue to work with the applicant on follow-up issues.

Charles Poston, 8550 E Bonita Dr, 85255, feels the buildings should be up to the standards of a museum or opera house, and he was not impressed with the building design.

Joan Baron, 8325 E Monte Vista Rd, 85257, expressed her excitement over the Green Building principles and the landscaping.

Wellington Reiter, ASU, 3545 E Oregon Av, Phoenix, 85018, said the University will be pleased to be surrounded by and working with corporations to advance research initiatives; linking students and faculty with research corporations.

Eneas Kane, DMB Associates, 7600 E Doubletree Ranch Rd, 85258, said the project will provide momentum and create an innovative partnership between ASU and the City.

Marilyn Armstrong, 6608 E Wilshire Dr, 85257, said that after the Development Review Board meeting she was not supportive, feeling the expectations and visions of the ad-hoc committee had been misunderstood. However, she is now very pleased and urged Council approval.

Mayor Manross closed public testimony. Two additional comment cards were received from citizens in favor of the project, but not wishing to speak.

Council discussion:

- A question was raised regarding plans for screening mechanical equipment. The Council received assurance from the applicant that the equipment would be screened.
- Councilmember Drake said she hoped that something iconic is planned for the corners and/or high visibility locations. She suggested that these elements might come back to either the Development Review Board or Council for approval.
- Time constraints may not allow for additional Board or Council approvals.
- Suggestions were provided to make this a 'bike-friendly' project.
- Council agreed that connectivity and integration into the neighborhood are important to the project.
- Council was complimentary of the designs and the focus on environmental building standards.

MOTION AND VOTE – ITEM 20

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 20, RESOLUTION NO. 6801.
COUNCILMAN OSTERMAN SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 26 WAS CONTINUED FROM LAST EVENING'S (DECEMBER 12, 2005) COUNCIL MEETING

26. 2006 State Legislative Program

Request: Consider approval of the City of Scottsdale 2006 State Legislative Program.

Staff Contact(s): Bridget Schwartz-Manock, Government Relations Director, 480-312-2423, bschwartzmanock@scottsdaleaz.gov

Staff provided a presentation as outlined below:

- 2006 Legislative Priorities
 - Maintain State-shared revenues
 - Support repayment of Highway User Revenue Funds (HURF)
 - Protect authority to utilize photo enforcement and red light cameras
- Other Legislative Issues
 - Revenues and taxes
 - Bonding Capacity
 - Economic Development Tools
 - Cable Television License Agreements
 - Public safety
 - Elections
 - Follow existing State formula for City Council nomination petitions, but cap number of Signatures required
 - Transportation
 - Human Services
 - Planning/Preservation

Council discussion:

- A suggestion was made to add a key issue opposing the raiding of the Heritage Fund for purposes other than for what it was originally intended.
- Some Councilmembers preferred not to advocate the protection of the photo enforcement program or the sales tax incentive program.
- Clarifications were made on the issue of Bonding Capacity, and staff noted that legislative bonding limits were more prevalent several years ago but are no longer an issue.

MOTION AND VOTE – ITEM 26

COUNCILMEMBER DRAKE MOVED TO APPROVE THE CITY'S 2006 STATE LEGISLATIVE PROGRAM, MINUS THE SALES TAX INCENTIVE PROGRAM, AND WITH THE ADDITION OF THE ITEM REGARDING OPPOSITION TO RAIDING OF THE HERITAGE FUND. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

COUNCILMEMBER DRAKE MOVED TO SUPPORT LEGISLATION THAT MAINTAINS THE ABILITY OF THE CITY TO PROVIDE SALES TAX INCENTIVES FOR INFRASTRUCTURE, HISTORIC PRESERVATION AND ENVIRONMENTAL REMEDIATION ON NEEDED ECONOMIC DEVELOPMENT PROJECTS. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 4-3, WITH VICE MAYOR MCCULLAGH AND COUNCILMEMBERS LANE AND LITTLEFIELD DISSENTING.

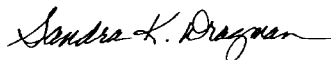
CITY MANAGER'S REPORT - None

MAYOR AND COUNCIL ITEMS - None

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 10:37 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk

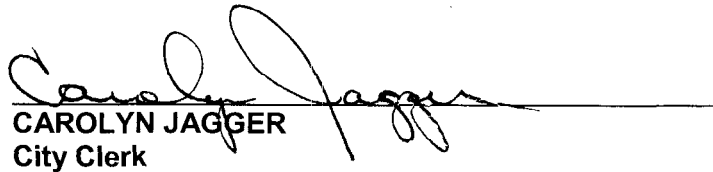
Officially approved by the City Council on January 10, 2006.

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 13th day of December 2005.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 10th day of January 2006.


CAROLYN JAGGER
City Clerk